

Permit No.: WA-000367-1
Issuance Date: July 10, 2003
Effective Date: August 1, 2003
Expiration Date: July 31, 2008

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-000367-1**

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
OLYMPIA, WASHINGTON 98504

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

AGRIUM
P.O. BOX 5797
KENNEWICK, WASHINGTON 99336

Facility Location:
Kennewick, WA
Columbia River Mile 322.6

Receiving Water:
Columbia River

Water Body I.D. No.:
26-00-02

Discharge Location:
Latitude: 46° 10' 00" N
Longitude: 119° 00' 43" W

Industry Type:
Fertilizer Manufacturing

is authorized to discharge in accordance with the special and general conditions which follow.

Carol Kraege, P.E.
Section Manager
Industrial Section, SWFAP

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	15 th day of the month
S3.E	Noncompliance Notification	As necessary	
S4.C	Update Solid Waste Control Plan	1/permit cycle	July 1, 2004
S5.	Spill Plan	1/permit cycle, updates submitted as necessary	July 1, 2004
S6. B	Acute Toxicity Reports	As indicated	60 days after each sampling event
S7. A	Chronic Toxicity Supplemental Effluent Characterization	As indicated	60 days after each sampling event
S8	Non-Routine and Unanticipated Discharges	As necessary	
S9.	Outfall Evaluation Plan	1/permit cycle	March 15, 2005
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	
G8	Notice of Permit Transfer	As necessary	
G21	Notice of Planned Changes	As necessary	
G22.	Reporting Anticipated Non-compliance	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Process Wastewater Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge contact and non-contact cooling water from nitric acid and ammonia nitrate plants to the Columbia River at the permitted location subject to complying with the following limitations:

Parameter	EFFLUENT LIMITATIONS: OUTFALL # 001	
	Average Monthly ^a	Maximum Daily ^b
pH ^c	Daily minimum is equal to or greater than 6.0 and the daily maximum is less than or equal to 9.0.	
Flow	36,400,000 gallons/day	40,000,000 gallons/day
Temperature ^d		33.3°C at 19 mgd or less 30.6°C at 19 – 28 mgd 29.0°C at 28 – 40 mgd
Ammonia	108 (lbs/day)	341 (lbs/day)
Nitrate	206 (lbs/day)	610 (lbs/day)
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.		
^c Indicates the range of permitted values. When pH is continuously monitored, excursions between 5.0 and 6.0, or 9.0 and 10.0 shall not be considered violations provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 30 minutes per month. Any excursions below 5.0 and above 10.0 are violations. The instantaneous maximum and minimum pH shall be reported monthly.		
^d Temperature in the river shall not exceed 20.0°C due to human activities; and when natural river conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C at the boundary of the discharge mixing zone. Nor shall temperature increases at any time exceed $t=34/(T+9)$, where T is the background temperature and t is the net temperature increase due to the discharge. If a TMDL is completed during the life of this permit, these limits may be replaced by Waste Load Allocations (WLAs) of a TMDL.		

B. Mixing Zone Descriptions

The maximum boundaries of the mixing zones for outfall number 001 are defined as follows:

The chronic mixing zone shall extend a distance of 321 feet downstream from each of the diffuser ports and a distance of 100 feet upstream from each of the diffuser ports.

The mixing zone shall not utilize greater than twenty-five percent of the flow or occupy greater than twenty-five percent of the river width. The zone of acute criteria exceedance shall extend a distance of 32 feet downstream and 10 feet upstream from each of the diffuser ports.

These zones are authorized in accordance with the geometric configuration and flow restriction for mixing zones given in Chapter 173-201A WAC. The dilution factor for the Permittee's outfall at the boundary of the zone of acute criteria exceedance is 15 to 1 (based on model predicted centerline dilution under critical conditions). The dilution factor for the Permittee's outfall at the mixing zone (chronic) boundary is 27 to 1. Both the acute and chronic dilution factors are based on the lowest model predicted dilution under critical conditions.

The National Marine Fisheries Service (NMFS) may in the future set minimum flows on the Columbia River. If NMFS sets flows that are lower than the minimum flow used to determine the critical condition for dilution factors, the Department of Ecology may need to revise this permit.

C. Temperature Study

Within one hundred and eighty (180) days after the effective date of this Permit, the Permittee shall submit a plan to the Department for review and approval to study the ambient temperature of the receiving water in the vicinity of the outfall. The study shall begin within ninety (90) days of the approval of the plan.

The study plan shall meet the following minimum criteria:

- The data collection phase of the study shall occur over a period of at least 24 months duration.
- The data collection phase shall focus on collecting data during the expected critical temperature period (i.e., from June 15 through September 15).
- The data collected shall include ambient receiving water temperature measurements along transects (sampled both vertically and horizontally) to characterize receiving water conditions upstream, in areas not likely to be directly affected by the Permittee's effluent, and downstream of the Permittee's outfall mixing zone.
- The collection protocol shall be consistent with sections "4. Considerations for Data Quality and Evaluation" and "5. Criteria Used to Determine Current Water Quality Limited Segments" in the latest version (2001 revision) of the Department's Water Quality Program Policy 1-11 "Assessment of Water Quality for the Section 303(d) List."
- The study plan shall include a Quality Assurance Project Plan addressing all aspects of the study based on the protocols in, *Guidelines for Preparing Quality Assurance Project Plans*, Ecology Publication No. 01-03-003.
- Continuous ambient air monitoring data representative of the ambient air temperature in the study area shall be collected.

Sampling data must be collected that is adequate to evaluate compliance with both the current (WAC 173-201A) and proposed state water quality temperature standards.

The Permittee shall submit summaries of the receiving water and ambient air temperature data collected, and a final report within ninety (90) days after the completion of the study.

- The final report shall include all measurements of ambient air and water temperature obtained within the scope of the study plan.
- The final report shall compare seasonal ambient receiving water temperature data with the applicable numeric water quality criteria.

The Permittee shall also conduct an engineering study to evaluate availability and cost of technologies to reduce the temperature of the effluent during the critical period in the receiving water. This study shall meet the requirements of Chapter 173-240-130 WAC and applicable guidance provided in the Department of Ecology document entitled "State Requirements for Submission of Engineering Reports and Plans for Industrial Wastewater Treatment Facilities." The final engineering study on the evaluation of temperature reduction technology shall be submitted to the department before the fourth year of the permit term.

The Permittee shall be deemed to comply with all effluent limitations and standards that pertain to effluent temperature and are established by this Permit as long as the Permittee complies with the requirements of this section.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

Category	Parameter	Units	S Point	Minimum Sampling Frequency	S Type
Influent and effluent	Temperature	Degrees Celsius (in tenths)	Influent after river raw water pumps, Effluent at Manhole No. 9	Daily	Continuously ^a recorded
Wastewater Effluent	Flow	mg/l	Between Manholes No. 8 & 9	Daily	Continuously recorded
"	Ammonia (as N)	mg/l	Contact Water Effluent (Manhole No.7)	Twice Weekly	24 hr. composite
"	Nitrate (as N)	mg/l	Contact Water Effluent (Manhole No.7)	Twice Weekly	24 hr. composite
Influent and effluent	pH	Standard Units	Influent after river raw water pumps, Effluent at Manhole No. 9	Daily	Continuously recorded

^a Continuous means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken daily when continuous monitoring is not possible.

During periods of temporary curtailment of fertilizer production, the Permittee may petition the Department in writing to reduce, eliminate, or reschedule effluent monitoring. Upon start up of facility operations or at the request of Ecology, all NPDES requirements shall revert to those in the current permit.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement.

Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to:

Department of Ecology
Industrial Section
PO Box 47706
Olympia, Washington 98504-7706

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the solid waste control plan to the Department. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the solid waste control plan once during the permit cycle by **July 1, 2004**.

S5. SPILL PLAN

The Permittee shall by **July 1, 2004** (once per permit cycle), submit to the Department an update to the existing Spill Control Plan.

The updated spill control plan shall include, at a minimum, the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S6. ACUTE TOXICITY

A. Testing Requirements

The Permittee shall test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. The two species listed below shall be used on each sample and the results submitted to the Department as a part of the permit renewal application process. The Permittee shall conduct acute toxicity testing on a series of five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. One of these concentrations shall be the ACEC of 6.7% (15:1 dilution) effluent. The percent survival in 100% effluent shall also be reported.

Acute toxicity tests shall be conducted with the following species and protocol:

- 1) Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F)
- 2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F).

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results. A report shall be due 60 days after each sampling event.
2. Testing shall be conducted on grab samples. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20° C at receipt. If a grab sample is received at the testing lab within 4 hours after collection, it must be below 12° C at receipt. All other samples must be below 8° C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 4° C in the dark, from receipt until completion of the test.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S7. CHRONIC TOXICITY

A. Supplemental Effluent Characterization

The Permittee shall conduct chronic toxicity testing on the final effluent and on influent.

The chronic toxicity test listed below shall be conducted on each sample taken for effluent characterization. Reports are due 60 days after each sampling event.

Effluent testing for chronic toxicity shall be conducted twice during the summer (June to September) and twice during the winter (December to March) in the first year of the permit term. Each chronic toxicity test shall be performed using at a minimum the ACEC (6.7% effluent), 25% effluent, 50% effluent, 100 % effluent, and a control. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001. Influent (raw river water) samples shall be collected at the same time as the effluent samples and tested for chronic toxicity in the same way. Each effluent sample and influent sample shall be tested for chronic toxicity using the new Alternative Method (2 fish in each of 10 replicates) as described in Ecology Publication No. WQ-R-95-80. The Permittee may also elect to split samples into an ultraviolet (UV) disinfected portion and an untreated portion and with both tested for chronic toxicity separately. If there are significant mortalities in tests conducted on non-disinfected samples of both effluent and influent and if UV disinfection prevents these mortalities, then it is concluded that the mortalities were caused by pathogens originating in the river and that the effluent is not responsible for the mortalities. If the Permittee elects to include a demonstration based on UV disinfection, bacterial plate tests (heterotrophic plate counts) and ammonia testing shall also be conducted on each sample prior to the start of each bioassay.

Chronic toxicity tests shall be conducted with the following species and the most recent version of the following protocol:

Freshwater Chronic Toxicity Test Species		Method
Fathead minnow	<i>Pimephales promelas</i>	EPA/600/4-91/002

B. Effluent Limit for Chronic Toxicity

After completion of supplemental effluent characterization (Section S7.A), the Permittee has an effluent limit for chronic toxicity if any chronic toxicity test conducted on non-disinfected effluent during the effluent characterization shows a significant difference at the 0.05 level of significance (Appendix H, EPA/600/4-89/001) between the control and the ACEC, and if the exception in the following paragraph does not apply. If an effluent limit for chronic toxicity results from the supplemental effluent characterization, the Permittee shall complete all applicable requirements in subsections C, D, and F.

If no significant difference in either survival or weight (growth or biomass, as appropriate per Appendix C of Ecology Publication WQ-R-95-80) is shown between the control and the ACEC in any of the chronic toxicity tests conducted on non-disinfected effluent during effluent characterization, the Permittee has no effluent limit for chronic toxicity and only subsections E and F apply. If there are any statistically significant differences in survival (but not weight) between the ACEC and control in tests conducted on non-disinfected samples of both effluent and influent and if UV disinfection of these same samples prevents these mortalities, then it is concluded that the mortalities were caused by pathogens originating in the river and the Permittee does not have an effluent limit for chronic toxicity and only subsections E and F apply.

The effluent limit for chronic toxicity is no toxicity detected in a test concentration representing the chronic critical effluent concentration (CCEC).

In the event of failure to pass the test described in subsection C, of this section, for compliance with the effluent limit for chronic toxicity, the Permittee is considered to be in compliance with all permit requirements for chronic whole effluent toxicity as long as the requirements in subsection D are being met to the satisfaction of the Department.

The CCEC means the maximum concentration of effluent allowable at the boundary of the mixing zone assigned in Section S1 pursuant to WAC 173-201A-100. The CCEC equals 3.7% effluent.

C. Monitoring for Compliance With an Effluent Limit for Chronic Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted quarterly for the remainder of the permit term using the species listed in subsection A above and performed using at a minimum the CCEC, the ACEC, and a control.

Compliance with the effluent limit for chronic toxicity means no statistically significant difference in response between the control and the test concentration representing the CCEC. The Permittee shall immediately implement subsection D if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20%, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

D. Response to Noncompliance With an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under subsection C determines a statistically significant difference in response between the CCEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted monthly for three consecutive months using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the CCEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for chronic toxicity as described in subsection C. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection.

The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous.

If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department. The TI/RE plan submittal shall be within 60 days after the sample date for the third additional compliance monitoring test. If the Permittee decides to forgo the rest of the additional compliance monitoring tests required in this subsection because one of the first two additional compliance monitoring tests failed to meet the chronic toxicity limit, then the Permittee shall submit the TI/RE plan within 60 days after the sample date for the first additional monitoring test to violate the chronic toxicity limit. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Chronic Toxicity

The Permittee shall test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. All species used in the initial chronic effluent characterization or substitutes approved by the Department shall be used and results submitted to the Department as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on diskette for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on grab samples. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20° C at receipt. If a grab sample is received at the testing lab within 4 hours after collection, it must be below 12° C at receipt. All other samples must be below 8° C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 4° C in the dark from receipt until completion of the test.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent, or the Permittee may also elect to split samples into an ultraviolet (UV) disinfected portion and an untreated portion and test both for chronic toxicity separately.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020, must be repeated on a fresh sample with an increased number of replicates to increase the power.

S8. NON-ROUTINE AND UNANTICIPATED DISCHARGES

A. Notification

Beginning on the effective date of this permit, the Permittee may discharge non-routine wastewater on a case-by-case basis if approved by the Department. Prior to any such discharge including all those specified in this section S8 of this permit, the Permittee shall contact the Department, receive written approval from the Department, and **at a minimum** provide the following information:

1. The nature of the activity that is generating the discharge.
2. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.
3. The total volume of water expected to be discharged.
4. The results of the chemical analysis of the water. The water shall be analyzed for all constituents limited for the Permittee's discharge. The analysis shall also include hardness, any metals that are limited by water quality standards, and any other parameter deemed necessary by the Department as in Section S8.C below. All discharges must comply with the effluent limitations as established in Condition S1. of this permit, water quality standards, sediment management standards, and any other limitations imposed by the Department.
5. The date of proposed discharge and the rate at which the water will be discharged, in gallons per minute. The discharge rate shall be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances or exits.
6. If the proposed discharge is to a municipal storm drain and is approved by the Department, the Permittee shall notify the municipality of the discharge.

B. Authorization

The discharge cannot proceed until the Department has reviewed the information provided and has authorized the discharge. Authorization from the Department will be by letter to the Permittee or by an Administrative Order.

C. Characterization of Heat Exchanger Wash-Down

The following sampling is intended to characterize and determine if wash-down of heat exchanger units with acid solution produces metals and other toxins in quantity that may violate water quality standards. Written Department authorization is required prior to all non-routine discharges such as these.

The Permittee shall conduct chemical analyses of effluent samples collected from the holding tank where the cleaning solution is pH neutralized after the routine cleaning of heat exchangers. The applicant shall sample the pH neutralized solution for metals and certain other parameters.

The testing must be conducted in accordance with protocols, monitoring requirements, and QA/QC procedures specified in this section.

Samples of the pH neutralized solution shall be analyzed for:

volume of the solution, rate of discharge, pH, hardness, copper, zinc, lead, and chromium, sulphamates, and ammonia. In addition the applicant will need to record the total flow of non-contact cooling water at time of discharge.

The Permittee shall follow clean sampling techniques (*Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels*, EPA Publication No. 821-R-95-034, April 1995).

POLLUTANT PARAMETER	DETECTION LIMIT REQUIRED
Copper	1.0 µg/L
Lead	1.0 µg/L
Chromium	1.0 µg/L
Zinc	4.0 µg/L

D. Monitoring Requirements

1. The following samples shall be collected for analyses: 1) two samples of influent to wastewater treatment, to the heat exchangers and 2) two samples of effluent from wastewater treatment. The sampling for characterization should be conducted once during each of the next two cleanings of the heat exchangers. A report of the sampling results will be due within 90 days after each sampling. If a problem is noted by Ecology, the applicant may be required to conduct more sampling and/or alter methods of cleaning heat exchangers or alter operation procedures for discharging of heat exchanger wash-down solution.
2. Each sample of the influent and effluent shall be representative composites consisting of continuous sampling or six grab samples equally spaced over a 24-hour period.

E. Protocols

Sample analysis shall be conducted in accordance with 40 CFR Part 136.

F. Quality Assurance/Quality Control Procedures

The Permittee shall follow the quality assurance procedures of 40 CFR Part 136.

S9. OUTFALL EVALUATION

The Permittee shall inspect, the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. By **March 15, 2005** the inspection report shall be submitted to the Department.

S10. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes preventing spilled product from entering the waste-water stream. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative.

However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days

prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least by July 1, 2005 and no later than 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11.DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12.OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13.ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14.PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15.PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16.UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S5 of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G22. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G23. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G24.REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
 - 1. One hundred micrograms per liter (100 µg/l).
 - 2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
 - 1. Five hundred micrograms per liter (500µg/L).
 - 2. One milligram per liter (1 mg/L) for antimony.
 - 3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).

G25.COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.